



AJEI ROUNDTABLE DISCUSSION

“The Art of Persuading Judges”

On January 20, 2011, the Appellate Judges Education Committee hosted a panel of judges to share their tips and experience on “The Art of Persuading Judges” as part of the 2011 Alfred P. Murrah Lecture Series. SMU Dedman School of Law’s Professor William V. Dorsaneo III moderated the discussion. Participants included:

- Judge N. Randy Smith, U.S. Court of Appeals for the Ninth Circuit
- Chief Judge Andrew Efron, U.S. Court of Appeals for the Armed Forces
- Associate Judge Stephen Glickman, D.C. Court of Appeals
- Justice Scott Bales, Arizona Supreme Court
- Justice Evelyn Keyes, Texas First District Court of Appeals (Houston)
- Justice Elizabeth Lang-Miers, Texas Fifth District Court of Appeals (Dallas)
- Associate Justice Thomas Hollenhorst, California Court of Appeals
- Judge Christel Marquardt, Kansas Court of Appeals



Judge Wynn delivered the fourth presentation of the 2011 Murrah Lecture Series on March 30th at the SMU Dedman School of Law. His presentation, entitled “Some Thoughts on the Federal Judicial Selection and Confirmation Process,” featured an anecdotal account of his

A VISIT FROM THE HONORABLE JAMES A. WYNN, JR.

United States Court of Appeals for the Fourth Circuit

recent nomination and confirmation to the Fourth Circuit Court of Appeals.

Judge Wynn told the audience of law students, “Many of you are probably laboring under the delusion that when you are a nominee to a federal court, somebody is keeping in contact with you all the time.... [as if] every now and then the President gives you a buzz.”

But that was certainly not the case. Like a first-year law student waiting anxiously on that straggling professor so that grades can be released, the Senate kept Judge Wynn waiting... and waiting.

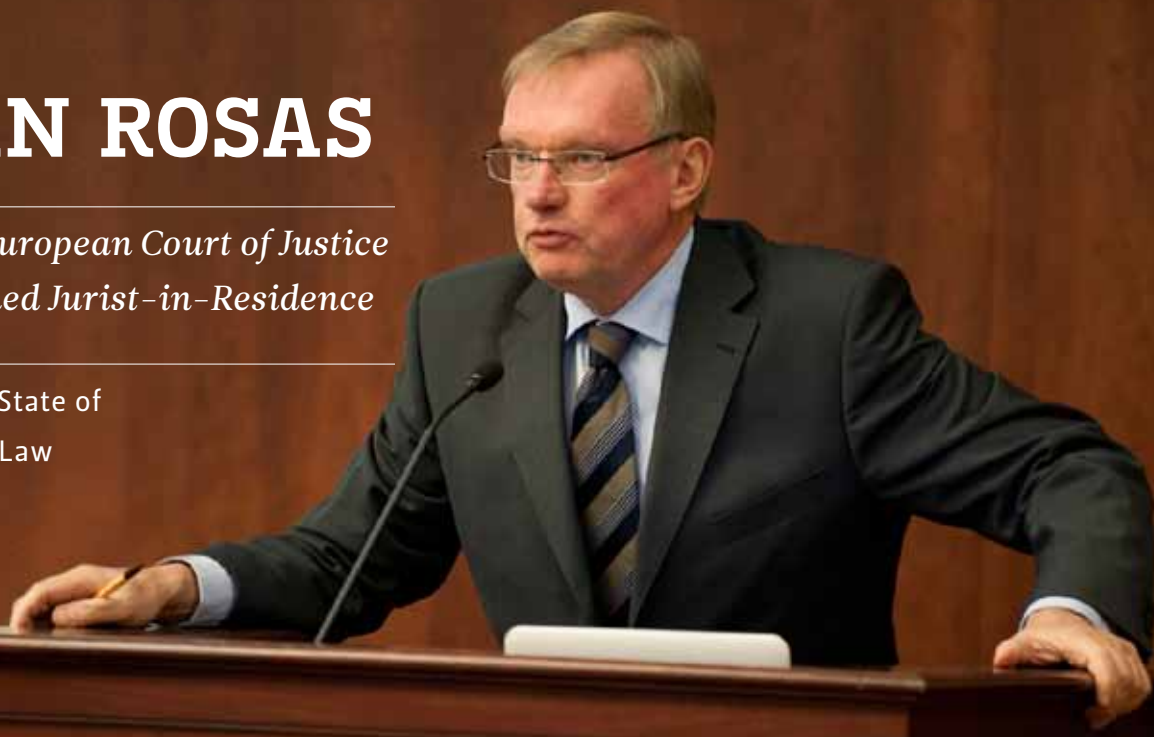
“Nobody knew anything,” he said. Then the last day came before the Senate

would adjourn for the summer. Judge Wynn sat in his hotel room at an ABA reception in San Francisco, and sure enough, with the television tuned to CSPAN, the crawling text at the bottom of the screen indicated that the Senate had finished its business for the session. “Shucks,” Judge Wynn said, thinking the wait would continue. He joked that he had set a Google Alert for his own name, and sure enough, moments later, his phone began to buzz, and out there in cyberspace, Google had found the message. Judge Wynn had been confirmed. ■

ALLAN ROSAS

*Judge of the European Court of Justice
& Distinguished Jurist-in-Residence*

On the Evolving State of
European Union Law



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Students and faculty welcomed Justice Allan Rosas to SMU Dedman School of Law at an evening reception to kick off the judge's week-long stay in February. Judge Rosas presides on the European Court of Justice, the highest court in Europe, and has held numerous international and academic positions, including Principal Legal Advisor and Deputy Director General at the Legal Service of the European Commission. He received his Doctor of Laws degree from the University of Turku in Finland and was a professor for many years. He has authored more than four hundred publications on European Union law and relations. While at SMU, Judge Rosas presented two lectures on hot topics in European Union law as part of the Alfred P. Murrah Lecture Series and co-lectured a course on European Union Law with Professor Jenia Turner.

The member states of the European Union are sovereign states and have been hesitant to cede power to any central governing entity. Over time, a body of law has developed to govern the common interests of the member states, but not without continued controversy over the interaction of European Union law and member state laws. Judge Rosas

referenced the Treaty of Maastricht, which created the European Union, and subsequent case law to explain the guiding constitutional principles of conflicts of law in the EU.

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Judge Rosas referred to the issue as primacy, as opposed to supremacy—primacy meaning European Union law prevails in the case of national law conflict.

He stated, “If one of the national laws must win that would have been the end of the EU.”

Instead, the states rely on interpretation based on a hierarchy of norms and fundamental rights and responsibilities. This area is continually

evolving and will remain a controversial issue as member states and the EU seek to find a balance that respects the independence of the member states while providing a practical solution to interstate conflicts.

Judge Rosas opened his second lecture by pulling out his passport; the text is in Finnish and Swedish, but if translated to English it would read “European Union.” Judge Rosas noted that the mixture of nationality and EU membership shown by the passport is representative of the legal status of citizenship in the EU. The Treaty of Maastricht provides that all citizens of member states shall be citizens of the EU, but EU citizenship does not replace national citizenship. Since then, courts have recognized EU citizenship as a legal status and upheld greater protections for citizens traveling within the EU. However, Judge Rosas stated, “There is no real European consensus of patriotism to the EU. It is not headed towards a U.S.-like system.” Judge Rosas closed with an illustration of the unified yet independent nature of the EU by noting that Belgium flies four different flags—representing the EU, Belgium, the region, and the municipality. ■